

**AMENDMENTS TO THE CLAIMS**

Please amend the claims as follows.

1. (Original) A digital broadcast receiving and recording apparatus comprising:
  - a receive section adapted to receive a broadcast wave provided by multiplexing broadcast signals of a plurality of channels each containing at least one subchannel;
  - a demodulate section adapted to demodulate the broadcast signal of a selected channel and to generate video data and audio data based on the broadcast signal;
  - a record section adapted to record the video data and the audio data generated by the demodulate section; and
  - a control section adapted to control the record section so as to record the video data and the audio data of one of the subchannels contained in the selected channel or to simultaneously record the video data and the audio data of two or more of the subchannels according to a setup description,wherein the control section controls the record section so as to record the video data and the audio data of the subchannel with the smallest subchannel number of the subchannels contained in the selected channel or to simultaneously record the video data and the audio data on a predetermined number of subchannels in the ascending order of the subchannel numbers of the subchannels contained in the selected channel, and  
wherein when any of the subchannels for recording becomes unreceivable, the control section controls the record section so as to record the video data and the audio data of any other subchannel contained in the selected channel whose reception is continued.
2. (Canceled)
3. (Currently Amended) ~~The digital broadcast receiving and recording apparatus as claimed in claim 2.~~ A digital broadcast receiving and recording apparatus comprising:
  - a receive section adapted to receive a broadcast wave provided by multiplexing broadcast signals of a plurality of channels each containing at least one subchannel;

a demodulate section adapted to demodulate the broadcast signal of a selected channel and to generate video data and audio data based on the broadcast signal;  
a record section adapted to record the video data and the audio data generated by the demodulate section; and  
a control section adapted to control the record section so as to record the video data and the audio data of one of the subchannels contained in the selected channel or to simultaneously record the video data and the audio data of two or more of the subchannels according to a setup description;  
 wherein the control section controls the record section so as to record the video data and the audio data of the subchannel with the smallest subchannel number of the subchannels contained in the selected channel.

4. (Currently Amended) ~~The digital broadcast receiving and recording apparatus as claimed in claim 2;~~ A digital broadcast receiving and recording apparatus comprising:  
a receive section adapted to receive a broadcast wave provided by multiplexing broadcast signals of a plurality of channels each containing at least one subchannel;  
a demodulate section adapted to demodulate the broadcast signal of a selected channel and to generate video data and audio data based on the broadcast signal;  
a record section adapted to record the video data and the audio data generated by the demodulate section; and a control section adapted to control the record section so as to record the video data and the audio data of one of the subchannels contained in the selected channel or to simultaneously record the video data and the audio data of two or more of the subchannels according to a setup description;  
 wherein the control section controls the record section so as to simultaneously record the video data and the audio data on a predetermined number of subchannels in the ascending order of the subchannel numbers of the subchannels contained in the selected channel.
5. (Currently Amended) The digital broadcast receiving and recording apparatus as claimed in claim 2 3, wherein when any of the subchannels for recording becomes unreceivable, the control section controls the record section so as to record the video data and the audio data of any other subchannel contained in the selected channel whose reception is continued.

6. (New) The digital broadcast receiving and recording apparatus as claimed in claim 4, wherein when any of the subchannels for recording becomes unreceivable, the control section controls the record section so as to record the video data and the audio data of any other subchannel contained in the selected channel whose reception is continued.